

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

MAR 17 2006

**MICHAEL L. GROS, M.D. and JANIE
GROS; ANDREW MICHAEL GROS;
THOMAS ALAN GROS; and all others
similarly situated**

Plaintiffs,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION NO. H-04-4665

Michael N. Milby, Clerk of Court

STIPULATION OF PARTIAL DISMISSAL WITH PREJUDICE

COME NOW MICHAEL L. GROS and JANIE GROS, ANDREW MICHAEL GROS and THOMAS ALAN GROS, Plaintiffs herein, by and through their undersigned attorneys, and Defendant The United States of America, agreeing to the dismissal of the following claims:

1. Plaintiffs agree to dismiss with prejudice all of the individual claims for injury(ies) asserted by plaintiffs Janie Gros, Andrew Michael Gros, and Thomas Alan Gros, as set forth in the Complaint. In addition, plaintiffs agree that any and all claims for future injuries arising out of the injuries already alleged are forever barred, and that any other claims, whether brought in this case or not, that accrued in accordance with the Federal Tort Claims Act prior to or during the pendency of this action are also forever barred.

2. The parties agree that individual claims for diseases, illnesses or conditions that have not yet manifested themselves (and, therefore, that Plaintiffs could not have brought in this case and have not accrued in accordance with the Federal Tort Claims Act prior to or during the pendency

of this action) are not barred; and that Plaintiffs have the right to bring those claims in the future should such diseases, illnesses or conditions manifest themselves.

3. This stipulation of partial dismissal does not extend to the claims previously dismissed by the Court in its Memorandum and Order dated September 27, 2005, namely, the individual claims of Michael L. Gros, and the derivative claims of Janie Gros, Andrew Michael Gros and Thomas Gros.

4. Upon the entry of the Court's order dismissing the individual claims of Janie Gros, Andrew Michael Gros and Thomas Alan Gros with prejudice, the order dismissing the individual claims of Michael L. Gros (and claims of Janie Gros, Andrew Michael Gros and Thomas Alan Gros derivative of such claims) shall be a final and appealable judgment.

Respectfully submitted,

HOUSSIERE, DURANT & HOUSSIERE, L.L.P.

By:

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3/15/06

CERTIFICATE OF SERVICE

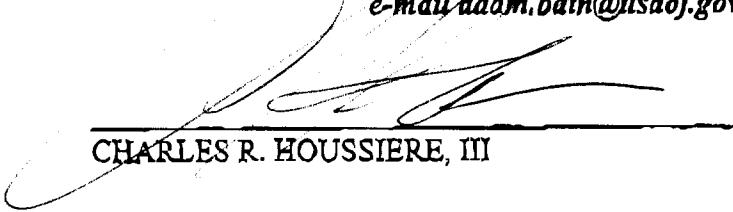
I HEREBY CERTIFY that a duplicate of the foregoing Stipulation of Partial Dismissal with Prejudice has been duly served upon each party or their duly authorized agent or attorney of record either in person or by agent or by courier receipted delivery or by certified or registered mail to each party's last known address, or by telephonic document transfer to the recipient's current telecopier number as indicated below, on the 15 day of March, 2006.

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